

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 814 - SB 1244

March 2, 2009

SUMMARY OF BILL: Creates a new Class C felony offense for a person who is infected with hepatitis B (HBV) knowingly to expose another person to the virus through intimate contact or other means.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$156,900/Incarceration*

Assumptions:

- According to the Department of Correction (DOC), there has been an average of three admissions for criminal exposure to human immunodeficiency (HIV) in each of the past 10 years. DOC estimates an additional two Class C felony convictions per year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on two offenders.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80. According to DOC, the average post-conviction time served for a Class C felony is 3.59 years. The cost per offender at 3.59 years is \$78,426.50 (\$59.80 x 1,311.48 days). The total additional operating cost for two offenders is \$156,853 (\$78,426.50 x 2).
- Since this bill creates a new offense, no recidivism discount has been included.
- Any impact on caseloads for the state trial courts can be accommodated within existing resources.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director

/lsc